

STATEMENT OF COMMON OWNERSHIP

The present application and the Yagoobi/Wawzyniak reference no. WO 00/71957, corresponding to U.S. Patent No. 6 409 975 were at the time of the invention, commonly owned.

A copy of a Notice of Assignment recordation for each matter and showing a common ownership is enclosed for the Examiner's consideration.

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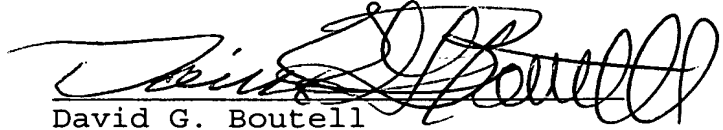
REMARKS

The undersigned attorney of record has reviewed the Examiner's commentary on page 2 of the Office Action under the caption "Election/Restrictions", particularly the comment regarding Claims 4-5 and Claims 27-28. Claims 4 and 5 as well as Claims 27 and 28 are directed to the same type of subject matter and make reference to a direction that an electric traveling wave makes with respect to the heat transfer member. Specifically, the electric traveling wave is recited, for example, in Claim 1 as moving in a longitudinal direction of the heat transfer member to induce pumping of the liquid phase in the longitudinal direction. Claim 4 modifies the language set forth in Claims 2 and 3 to specifically specify that the "direction" is perpendicular to a longitudinal axis of "said electrical conductors". Claim 5 modifies the language of Claim 1 to specify that the "direction" is perpendicular to a longitudinal axis of "said electrical conductors". Thus, the Examiner's commentary referencing "direction" to the direction of the heat transfer member is an improper interpretation of the language of Claims 4 and 5 as well as Claims 27 and 28. Reconsideration of the Examiner's commentary regarding Claims 4-5 and Claims 27-28 is respectfully solicited.

The Yagoobi/Wawzyniak reference is an invention that is subject to the provisions of Title 35 USC 103(c), namely, it is an application which is "commonly owned" by the entity that owns the present application. A photocopy of the Notices of Recordation for the Yagoobi/Wawzyniak invention (U.S. Patent No. 6 409 975) as well as the present application are enclosed for support of the attorney's "Statement of Common Ownership", now by Illinois Institute of Technology. Thus, Applicants respectfully submit that the Yagoobi/Wawzyniak invention is to be disqualified from consideration by the Examiner.

Accordingly, Claims 1-48 are believed to be in condition for allowance and formal notice to such effect is respectfully solicited.

Respectfully submitted,



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